

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In re:)	
)	Case No: 3:19-bk-1971
CAPSTONE PEDIATRICS, PLLC,)	Chapter 11
)	Judge Randal S. Mashburn
Debtor.)	

EXPEDITED MOTION FOR AN ORDER CONTINUING SALE HEARING

Capstone Pediatrics, PLLC (the "**Debtor**"), as a debtor-in-possession in the above-captioned chapter 11 case, by and through its undersigned counsel, hereby submits this motion (the "**Motion**"), and respectfully states the following in support thereof:

REQUEST FOR EXPEDITED PROCEDURES

1. **Expedited Relief Requested:** The Debtor hereby seeks entry of an order (the "**Order**"), substantially in the form attached here to as **Exhibit A**:
 - a. Continuing the hearing on the sale of the Debtor's assets (the "**Sale Hearing**") scheduled in the Court's *Expedited Order (I) Approving Bidding Procedures for the Sale of the Debtor's Assets, (II) Scheduling Bid Deadlines, an Auction and Sale, (III) Approving the Form and Manner of Notice Thereof, (IV) Approving Contract Assumption and Assignment Procedures, and (V) Granting Related Relief* (Dkt. No. 216) (the "**Order Approving Bidding Procedures**") to July 7, 2020 at 10:30 a.m.;
 - b. Continuing the deadline to file a notice with the Court identifying the successful bidder and the final form of the asset purchase agreement (the "**Notice of Successful Bidder**") to June 29, 2020;
 - c. Continuing the deadline for objections to the sale to July 3, 2020; and

d. Granting any related relief.

2. **Basis for Urgency:** The current Sale Hearing, as defined below, is set for June 18, 2020. It is necessary to have this Motion resolved on an expedited basis to inform parties in interest of the continuance prior to the hearing date.

3. **Notice:** Notice of this Motion was served electronically to all parties consenting to electronic service in the Case and by First-Class U.S. Mail to all creditors and parties-in-interest. Counsel for the Debtor will also notify the attorneys for the DIP Lender, the attorney for the IRS and the attorney for the United States Trustee by e-mail and/or telephone.

4. **Suggested Hearing Date:** Under the language of the Order Approving Bidding Procedures, the Sale Hearing could be continued by the Debtor by providing notice of the continuance. Thus, the Debtor believes that no hearing is necessary on the Motion. Based on the Court's availability and consultation with the DIP Lender, the Debtor requests that the Court set the Sale Hearing for July 7, 2020 at 10:30 a.m. with any such objection to be filed by July 3, 2020.

5. **Supporting Argument:** Debtor supports this Motion as set forth below.

Jurisdiction and Venue

1. The United States Bankruptcy Court for the Middle District of Tennessee (the "**Court**") has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

Background

3. On May 27, 2020, the Court entered its *Expedited Order (I) Approving Bidding Procedures for the Sale of the Debtor's Assets, (II) Scheduling Bid Deadlines, an Auction and Sale, (III) Approving the Form and Manner of Notice Thereof, (IV) Approving Contract*

Assumption and Assignment Procedures, and (V) Granting Related Relief (Dkt. No. 216) (the “**Order Approving Bidding Procedures**”).

4. The Order Approving Bidding Procedures scheduled the Sale Hearing for July 18, 2020. The Order Approving Bidding Procedures also provided for several deadlines related to the Sale Hearing, including the deadline of June 13, 2020 for the Debtor to file the Notice of Successful Bidder and the deadline of June 17, 2020 for any objections to the sale.

5. The Order Approving Bidding Procedures also provides that “**The Sale Hearing may be continued to a later date by the Debtor by sending notice prior to, or making an announcement at, the Sale Hearing. No further notice of any such continuance will be required to be provided to any party.**” Order Approving Bidding Procedures, Dkt. No. 216, p. 8 (emphasis in original).

6. Under the Order Approving Bidding Procedures, bids were due on June 10, 2020 and the Auction was scheduled for June 13, 2020. The Debtor received only one bid that proposed the purchase of all operating locations. The Debtor and this bidder need additional time to finalize a comprehensive asset purchase agreement for the proposed transaction.

7. The Debtor has determined that it is in the best interest of the estate to continue the Sale Hearing, and the related deadlines, to accommodate the bidder. Therefore, the Debtor requests that (i) the Sale Hearing be rescheduled for July 7, 2020 at 10:30 a.m.; (ii) the deadline for the Debtor to file the Notice of Successful Bidder to be continued to June 29, 2020; and (iii) the deadline to object to the sale be continued to July 3, 2020.

Notice

8. The Debtor will provide notice of this Motion electronically to all parties consenting to electronic service in the Case and by First-Class U.S. Mail to all creditors and parties-

in-interest. Counsel for the Debtor will also notify the attorneys for the DIP Lender, the attorney for the IRS and the attorney for the United States Trustee by e-mail and/or telephone. The Debtor submits that, in light of the nature of the relief requested, no other or further notice is required.

WHEREFORE, the Debtor respectfully requests that the Court enter the Order Continuing the Sale Hearing, attached as **Exhibit A**, granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Date: June 15, 2020

Respectfully submitted,

/s/ David W. Houston, IV
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically on June 15, 2020. Notice of this filing was sent by operation of the Court's electronic filing system to all those parties specifically requesting electronic service and as indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. Additionally, notice of this filing was sent via U.S. Mail, postage paid to all parties listed on the attached Creditor Matrix.

/s/ David W. Houston, IV
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